

Remarks

Claims 10, 17, 18, and 36-46 are pending after entry of the amendments set forth herein. Claims 1-9, 11-16 and 19-35 are canceled without prejudice. Claims 10, 17, 18, 36-37 and 39-40 are amended. Claims 41-46 are added. No new matter is added. Reconsideration is requested.

Objections to the Claims

Claims 36, 37, 39 and 40 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have rewritten Claim 10 to include the limitations of Claims 36, 37, 39 and 40 in alternative form. Applicants have further amended rejected Claims 17, 18 and 38 to depend from newly amended Claim 10. Applicants submit that the pending rejection of Claim 38 is made moot by the dependency on newly amended Claim 10. Applicants further submit that, in view of the dependency on Claim 10, withdrawn Claims 17 and 18 are properly rejoined.

New Claims 41-46 are added, which recite various aspects of the method of the invention, such as the use of antibodies, and flow cytometry. The claims raise no new issues of patentability, and thus entry is requested.

In view of the above amendments and remarks, withdrawal of the objection is requested.

Rejections Under §102

Claims 8, 10 and 38 have been rejected under 35 U.S.C. 102(b) as being anticipated by Petzer et al., for the same reasons set forth in the previous Office Action, mailed on 08/11/09. Without conceding to the correctness of the rejection, in order to move forward with prosecution Applicants have canceled rewritten Claim 10 to include the limitations of Claims 36, 37, 39 and 40 in alternative form. Withdrawal of the rejection as it applies to Claim 10 is requested.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN-340.

Respectfully submitted,
BOZICEVIC, FIELD &
FRANCIS LLP

Date: July 6, 2010

By: 

Pamela J. Sherwood, Ph.D.
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231